THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 24604 OF 2006

Between:

Nagineni Malakondaiah R/o Anneboianapalle Village,
Lingasamudram Mandal, Prakasam District and others

… Petitioners

And :

Madana Gopalaswamy Temple, Kalavalla village, Valetivari
Palem Mandal, rep by its Executive Officer and others

… Respondents

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WRIT PETITION NO. 24604 OF 2006

ORAL ORDER :

Heard the learned counsel for the petitioners and the learned Government Pleader for Endowments.

The petitioners impeach the auction proposed by the 1st respondent Devasthanam for grant of leasehold rights in Sy.177 of Anneboinpalli village, Lingasamudram Mandal, Prakasm District.

The 2nd respondent on 13.10.2006 considered a representation of the 2nd petitioner for determination of his status as a landless poor and for the benefits u/Sec. 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act,1987 (for short "the Act") and held that the said petitioner is not a tenant of the Temple as per the records and also that as he has admitted to be cultivating Ac.2.56 cts, of wet land apart from owning an extent of ac.0.43 ct, he cannot be treated as a landless poor person, as the said expression is

defined in Sec.82 of the Act. Aggrieved thereby the petitioners filed an appeal to the Regional Joint Commissioner, Endowments, Tirupati on 4.11.2006. Along therewith the petitioners submitted an application for interim relief.

The petitioners contend that there is standing crop on the land in question and that the 1st respondent has now proposed to conduct auction of the land in question, scheduled on 27.11.2006 and if the auction is held and they do not succeed at the auction they would be dispossessed and the standing croup would also be carted away by somebody else.

As the petitioners have failed to establish before this court that they are lawful cultivating tenants of the lands in question, this court is not inclined to grant any relief as sought for. In the absence of any showing by the petitioners to be the lawful cultivating tenants of the lands of the 1st respondent Devasthanam, the petitioners have no *locus standi* to challenge or interdict the auction proposed by the 1st respondent for grant of lease hold rights of these lands. In the circumstances the writ petition is dismissed.

The petitioners are however at liberty to represent to the 2nd respondent as regards the standing crop said to be in existence on the lands in question. On such representation being made, the 2nd respondent is at liberty to consider the same within the spectrum of the 2nd respondent's lawful authority and expeditiously.

The writ petition is dismissed as above. No order as to costs.

Dt: 24.11.2006 ----------

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Wire at party's cost Justice G.

Raghuram

B/o

Pvsn/Tsnr